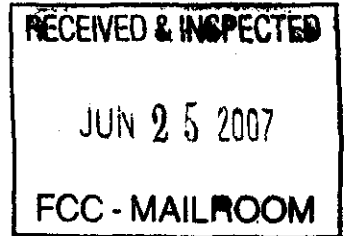


Before the
Federal Communications Commission
Washington D.C. 20554



In the Matter of:)
Amendment of Part 90 of the Commission's)
Rules Governing Private Land Mobile)
Services)
)
)

RM-_____

To: The Chief, Wireless Telecommunications Bureau,
Via The Office of the Secretary

PETITION FOR RULEMAKING

- 1) DuPage Public Safety Communications (Du-Comm), is an association of units of local government, as they are defined in Article VII, Section 1, of the Constitution of The State of Illinois, 1970, and is a "Public Agency" as defined in the Intergovernmental Cooperation Act, 5 ILCS 220/2 (1), that is voluntarily established by its members pursuant to Article VII, Section 10, of the Constitution of The State of Illinois, 1970, and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.
- 2) Du-Comm is also a Regional Public Safety Answering Point, (PSAP), providing Emergency 911 Telephone Services for approximately 66% the residents of DuPage County, in Illinois, serving an estimated population of 670,000 persons.
- 3) As such, Du-Comm provides Emergency Radio Dispatch and Data Base Management Services for 27 Police and Fire / EMS Agencies, and MABAS Division 12.

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4) **DuPage Public Safety Communications (Du-Comm), hereby respectfully submits its**

Petition for Rulemaking to modify 47 CFR § 90.733 (B)(3)(d), which states, in part:

(d) Licensees, except for licensees authorized on Channels 161 through 170 and 181 through 185, may combine any number of their authorized, contiguous channels (including channels derived from multiple authorizations) to form channels wider than 5 kHz.

5) **Du-Comm notes that, per 47 CFR § 90.717(c), "Channels 111-115 and 116-120 are 5 channel blocks available for Government nationwide use only.**

6) **Du-Comm notes that, 47 CFR § 90.719 states, in part:**

(c) Channels 181 through 185 are set aside in Phase II for emergency medical use for applicants that meet the eligibility criteria of Sec. 90.20(a)(1)(iii) or Sec. 90.20(a)(2)(xiii).

(d) Channels 161 through 170 and 181 through 185 are the only 220-222 MHz channels available to Phase II non-nationwide, Government users. [62 FR 15994 , Apr. 3, 1997, as amended at 62 FR 18936 , Apr. 17, 1997]

7) **Du-Comm notes that, Per 47 CFR § 90.733 (B)(3)(d), the channels available for Nation-Wide use by Governmental Entities, (Channels 111-115 and 116-120) fall within the group of channels which may be aggregated.**

8) **Du-Comm notes that, Channels 161-170 and 181-185 are the only 220-220 MHz channels available to ... non-nationwide Government users, and Per 47 CFR § 90.733 (B)(3)(d), may not be aggregated.**

9) Du-Comm feels that the creation of two blocks of "Governmental Agency Only Channels" within the SAME Frequency Band, with two different sets of operating parameters, serves no present day purpose, is confusing, and is discriminatory against Regional Governmental Agencies that do not qualify for Nation-Wide Licenses.

10) Du-Comm further feels that 47 CFR § 90.733 (B)(3)(d), creates the existence of two standards for the same 220-222 MHz Band, and thereby seriously, limits the development of the 220-222 Band for Inter-Agency use in Nation-Wide responses, such as the recent Katrina Hurricane Response, where, at any one point in the recovery effort, approximately 600 Illinois Fire and EMS Personnel were On-Station and working.

(Ref: www.warrenvillefire.com/Assets/MABAS_Update.pdf)

11) Du-Comm further feels that the prohibition of the aggregation of channels in the Non-Nationwide Channel blocks of 161 to 170 and 181 to 185 as required by 47 CFR § 90.733 (B)(3)(d), eliminates the possibility of using these frequencies in the 220-222 MHz band to communicate with National Guard, Coast Guard, and Military Forces in time of Regional or National Emergency, where National Guard or other Military Personnel may be called in to augment local relief efforts.

12) Du-Comm notes that Common off the Shelf (COTS) Radios such as The U.S. Military / National Guard “Multi – Band Inter / Intra Team Radio” (MBITR), The PRC-6809 can be easily programmed to operate in the 220-222 MHz Band for Inter-Operability with Local Agencies, but cannot be used to communicate with Agencies occupying the Channels 161 to 170 and 181 to 185 because their emissions cannot be confined to a SINGLE 5 KHz Channel.

Ref: <https://secure.thalescomminc.com/datasheets/ClearMBITR-s.pdf>

13) Du-Comm notes that COTS Radios such as the MBTR Radio CAN be operated on aggregated channels in the “Nation Wide” Block of Channels 111-115 and 116-120, however, these channels cannot be used by National Guard Units to communicate with Local Governmental Entities who do not qualify for “Nation-Wide Licenses”.

14) Du-Comm notes that the prohibition of the aggregation of channels in the Channel groups 161 to 170 and 181 to 185, as required by 47 CFR § 90.733 (B)(3)(d), forces licensees of the channel groups Channel groups 161 to 170 and 181 to 185 to use a communications format that contains its emissions within a SINGLE 5 KHz, channel space, but unfairly frees all other licensees operating on 220-222 MHz Frequency Band from this burden by permitting the aggregation of their contiguous channels.

15) Du-Comm notes that the ONLY surviving voice communications protocol compatible with the 5 KHz channel bandwidth limitation, (ACSB), is an obsolete technology, for which there is no known equipment that is in current production, or that is known to be under current development.

16) DuPage Public Safety Communications (Du-Comm), therefore, hereby respectfully submits its Petition for Rulemaking to modify 47 CFR § 90.733 (B)(3)(d), to state, in part:

(d) Licensees may combine any number of their authorized, contiguous channels (including channels derived from multiple authorizations) to form channels wider than 5 kHz.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bob Hodge', is written over a horizontal line.

Bob Hodge, Du-Comm Technical Services

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